

**GOVERNMENT OF INDIA
OVERSEAS INDIAN AFFAIRS
LOK SABHA**

UNSTARRED QUESTION NO:1756

ANSWERED ON:10.12.2008

INTER MINISTERIAL SUB COMMITTEE TO HELP NRI COUPLES

Adhalrao Patil Shri Shivaji

Will the Minister of OVERSEAS INDIAN AFFAIRS be pleased to state:

- (a) whether the Government has set up any Inter-Ministerial Sub-Committee to extend help to the NRI couples as reported in The Times of India dated 14 July,2008;
- (b) if so, the details of main recommendations made by the aforesaid Committee;
- (c) the action taken by the Government on these recommendations; and
- (d) the other steps taken by the Government to mitigate the suffering of women defrauded by their NRI husbands?

Answer

MINISTER OF THE STATE IN THE MINISTRY OF OVERSEAS INDIAN AFFAIRS (SHRI VAYALAR RAVI)

(a): Yes,Sir.An Inter-Ministerial Sub-Committee was set up on 4th May 2007 to discuss ways and means to assist Indian women who are deserted by their overseas Indian spouses.

(b) to (d): The details are given in the Annexure.

Annexure to Lok Sabha Question No. 1756 for 10th December, 2008

The recommendations of the Inter-Ministerial Sub Committee are as under:-

1. All marriages solemnized in India should be compulsorily registered. Proforma for registration of marriages may be uniform in all states and it should include all relevant information e.g.spouse's profession,work- place address,passport number,income,actual marital status and social security number,if applicable.
2. Litigations related to NRI marriages should be taken up on fast track courts through Ministry of Law and Justice and, also, where necessary,by special public prosecutors.Since 'marriage' is a state subject,the proposal for appointment of special public prosecutor to handle such cases has to come from the State Governments in consultation with the High Court concerned.However, in cases of Central enactments,such proposals can be made by the Ministry/ Department concerned in consultation with the jurisdictional High Court.
3. To incorporate suitable provisions on serving of notices,summons,enforcement of maintenance orders with regard to overseas Indian marriages in the mutual legal assistance treaties (MLAT) which are in the pipeline especially,with the countries like USA, UK, Canada, Australia and New Zealand where problem of desertion of Indian women by overseas Indians is acute.
4. Whenever there is an ongoing litigation in a foreign court, the Indian bride's case should not go unrepresented.The existing funding mechanism to such cases may be strengthened by organizing a network of NGOs and NRI legal professionals as volunteers.
5. A vigorous information campaign may be launched at all levels using the media and NGOs to educate prospective brides and their families to take possible precautions before entering into marriage alliance with overseas Indians.
6. Information brochure may be prepared by experts having knowledge of Private International Law, regarding the working of the relevant Hague Conventions and also procedures to be followed by the general public regarding serving of notices, summons etc.to parties staying abroad.Thereafter,a media campaign may be launched to make general public aware of the provisions pertaining to serving of summons, notices etc.to accused NRIs in foreign countries.
7. States/Union Territories should pass on information regarding court orders against accused NRIs to Emigration Authorities to prevent such people from leaving India against these orders.
8. Suitable instructions may be issued to the police authorities of all the States/ Union Territories to register FIRs in such cases without any delay.
9. Bilateral agreements may be signed with foreign countries to protect the victims of NRI marriages. Besides other clauses, such

agreements should include provisions e.g. (i) divorce order of foreign courts should be effective only when endorsed by a court in India, (ii) decrees granted by Indian courts should be enforceable in foreign countries, (iii) deserted Indian women should be allowed to be present in the foreign country where a divorce petition has been filed against her, and (iv) the concerned foreign government may grant temporary visa for this purpose to the Indian women and should issue instructions to their courts to decide such cases only after requisite visa has been provided to the Indian woman.

The action taken by the Government on these recommendations:

The above recommendations of the Inter-Ministerial Committee were considered in an Inter-Ministerial meeting held on 7th July 2008 under the chairmanship of the Minister for Overseas Indian Affairs. The following decisions were taken at this meeting:

1) There was agreement over the sub-committee's recommendation that all marriages solemnised in India should be compulsorily registered and pro-forma for registration of marriages should be uniform in all states and should contain all relevant information that would help in identifying the persons.

It was further agreed that the pro-forma for registration of marriages should also have columns, in the case of overseas Indians, for the social security number, passport particulars, ID card / labour card etc. to build a proper identification and tracking system. Introduction of a uniform format would need interaction with the State Governments. Ministry of Law and Justice would prepare an appropriate pro-forma and take it up with the State/UT Governments (Action: Ministry of Law and Justice, State/UT Governments)

2) There was agreement over the sub-committee's recommendation that:

(a) Litigations related to overseas Indian marriages should be taken up by fast track courts. It was felt that instead of building up a new system for these courts, this should be brought within the scope of the existing family courts. (Action: State /UT Governments, Ministry of Law and Justice, Ministry of Women and Child Development).

(b) Efforts may be made to let the family courts clear the pending cases early and a mechanism may be put in place for regular monitoring of such cases. (Action: State/ UT Governments, Ministry of Law and Justice, Ministry of Women and Child Development).

3) There was agreement over the sub-committee's recommendation that provisions on serving of notices, summons, enforcement of maintenance orders be made part of the mutual legal assistance treaties (MLAT) especially with USA, UK, Canada, Australia and New Zealand where problem of desertion of Indian women by overseas Indians is acute. (Action: Ministry of Law and Justice, Ministry of External Affairs, Ministry of Overseas Indian Affairs).

4) There was agreement over the sub-committee's recommendation that whenever there is an ongoing litigation in a foreign court, the Indian bride's case should not go unrepresented. MOIA's Scheme to assist Indian women in defending their cases abroad was appreciated. However, it was felt that the amount being sanctioned per case by MOIA i.e. US \$1,000/ was grossly inadequate and should be enhanced substantially. The possibility of creating a flexi-fund may also be explored by pooling of money by Indian Associations. A matching grant from the government could be considered. (Action: Ministry of Overseas Indian Affairs, Ministry of External Affairs, Indian Missions/Posts abroad).

5) It was agreed that a vigorous information campaign was necessary at all levels using the media and NGOs to educate prospective brides and their families to take possible precautions before entering into marriage alliance with overseas Indians. The information campaign launched by MOIA was appreciated and it was decided that the campaign needs to be continued. (Action: Ministry of Overseas Indian Affairs, Ministry of Women and Child Development, National Commission for Women, State/UT Governments).

6) It was agreed that information brochure may be prepared by experts having knowledge of Private International Law on the working of the relevant Hague Conventions and procedures that is to be followed by the general public regarding serving of notices, summons etc. to parties staying abroad. Thereafter, a campaign may be launched to make the general public as also the concerned officers aware of these provisions. (Action: Ministry of Law and Justice, Ministry of Women and Child Development, National Commission for Women).

7) There was agreement over the sub-committee's recommendation that states/Union Territories should pass on information regarding court orders against accused NRIs to Emigration Authorities to prevent such people from leaving India against court orders. (Action: Ministry of Home Affairs, State/UT Governments).

8) It was agreed that appropriate instructions may be issued by the Ministry of Home Affairs to the States/Union Territories to ensure that FIRs in such marriage disputes/problems are registered without any delay. (Action: Ministry of Home Affairs, State/UT Governments).

9) There was agreement over the sub-committee's recommendation that appropriate bilateral agreements may be considered with foreign countries with a view to protect the interests of Indian women victims of overseas Indian marriages.

10) On the recommendation made by the Parliamentary Committee on Empowerment of Women to evolve a well defined/coordinated mechanism among all the concerned agencies to deal with the issue of problematic NRI marriages and to enable the aggrieved women to get a respectable solution to the problems, it was decided that the National Commission for Women will, henceforth, be the coordinating agency at the national level to receive and process all the complaints related to deserted Indian women by overseas Indians.

The final decisions taken by the Inter-Ministerial Committee have been circulated to concerned Ministries, State Governments and Government agencies for appropriate follow up action.

The other steps taken by the Government to mitigate the suffering of women defrauded by NRI husbands:

The Ministry has launched a scheme to provide legal and financial assistance through Indian Missions abroad to Indian women deserted or divorced by their overseas Indian spouses. Under the scheme, funds have been placed at the disposal of Indian Missions in USA, UK, Canada, Australia, New Zealand and countries in the Gulf which can be released to the Indian Women's Associations, NGOs etc. empanelled with the Missions for providing legal and counseling services to Indian women victims of NRI marriages.

The Ministry has brought out information pamphlets in English, Hindi, Punjabi, Malayalam and Telugu to make Indian women aware of their rights and responsibilities and precautions that could be exercised before entering into marital alliance with overseas Indians.

The Ministry has brought out a guidance booklet on "Marriages to Overseas Indians" in English, Telugu, Hindi, and Punjabi. This booklet contains information on safeguards available to women deserted by their NRI spouses, legal remedies available, authorities that can be approached for redressal of grievances, and NGOs which can provide assistance.

The Ministry has launched the publicity cum awareness campaign through audio visual advertisement on regional T.V network primarily to cover the States of Punjab, Kerala, Andhra Pradesh, Tamil Nadu and Karnataka.